

**TESTIMONY OF THE CENTER FOR CHILDREN'S LAW AND POLICY
IN SUPPORT OF RAISED BILL NO. 6634
*AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE
JUVENILE JUSTICE SYSTEM AND ERASURE OF JUVENILE RECORDS***

April 1, 2011

This testimony is submitted on behalf of the Center for Children's Law and Policy (CCLP), a nonprofit public interest law and policy organization located in Washington, DC. CCLP works to reform juvenile justice and other systems that affect troubled and at-risk children and to protect the rights of children in those systems. For the past six years, CCLP has coordinated efforts to reduce racial and ethnic disparities in juvenile justice system (also known as Disproportionate Minority Contact, or DMC) as part of the **John D. and Catherine T. MacArthur Foundation's Models for Change** juvenile justice reform initiative. In that capacity, CCLP has worked with juvenile justice officials in counties and parishes in the states of **Pennsylvania, Illinois, Louisiana, and Washington**. For the past three years, CCLP has also coordinated similar efforts to reduce disparities in **Kansas, Maryland, North Carolina, and Wisconsin** as part of the MacArthur Foundation's DMC Action Network. Many of those jurisdictions have achieved significant reductions in DMC.¹ The **Tow Foundation** has recently given CCLP a grant to work on reducing racial and ethnic disparities in **Connecticut**. CCLP will begin work on that grant next month.

We strongly support Raised Bill No. 6634, An Act Concerning Child Welfare and Detention in the Juvenile Justice System and Erasure of Juvenile Records. Based on our experience throughout the country, we believe that the Raised Bill will help Connecticut reduce racial and ethnic disparities in its juvenile justice system by (1) **requiring a court order before a child can be admitted to detention** and (2) **requiring state agencies to report plans to reduce discrimination in the juvenile justice and child welfare systems.**

Connecticut has long had one of the **highest indexes of over-representation of youth of color** in the juvenile justice system. Spectrum Associates conducted studies of over-representation for the State in 1991-1992, 1998-1999, and 2005-2007. Those studies demonstrated that racial and ethnic disparities exist at particular points in the state's juvenile justice system, notably at arrest, detention, and placement. Despite ongoing concern about this problem, the state has not made breakthroughs in reducing DMC.

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¹ Mark Soler, et al., *Juvenile Justice: Lessons For A New Era*, 16 GEO. J. ON POVERTY L. & POL'Y 483, 529-537 (2009); Mark Soler, *Missed Opportunity: Waiver, Race, Data, and Policy Reform*, 71 LA. L. REV. 17-33 (2010).

In Connecticut, racial and ethnic disparities do not appear uniformly throughout the system. For example, racial differences were found in decisions whether to hold youth in secure confinement pre-adjudication, but not in how long youth stayed in detention. Consequently, in order to reduce DMC, Connecticut needs an approach that can look in detail at key decision points and provide in-depth, data-driven recommendations for reform.

One problem in the past has been that data have been collected and analyzed on a statewide basis. But Connecticut has major differences in demographics throughout the state. Bridgeport, New Haven, and Hartford are urban centers with areas of persistent poverty and high percentages of families of color. Other areas of the state are predominantly white and middle-class. Thus, aggregate statewide numbers represent, in effect, an averaging of high-minority and low-minority areas of the state. Such numbers are technically accurate but are of limited value in revealing where DMC actually occurs in the state, why it occurs, and what can be done to reduce it.

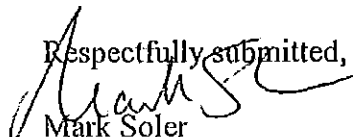
In our experience, and in the experience of others who have successfully reduced DMC such as the **Haywood Burns Institute** and the **Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative**, an effective approach includes the following elements:

1. Designation of a **governing committee** or coordinating body to oversee the efforts to reduce DMC.
2. **Collection and analysis of data** at key decision points where DMC occurs in local jurisdictions.
3. Identification of **strategies and interventions to address disparities**, including measures of progress. The strategies usually include **objective means** for determining which youth should be **admitted to detention** and development or enhancement of programs and services that can serve as alternatives to detention.
4. **Public reporting** of findings and plans for reform.
5. **Regular evaluation of progress** toward reducing disparities.

Raised Bill No. 6634 will help Connecticut develop such an effective approach by having judges make **objective determinations** which youth should be admitted to detention, by requiring **public reporting** of DMC reduction plans by state agencies, and, through reviews of state agency plans, allowing **regular evaluation of progress**. This legislation can help Connecticut reduce disparate treatment of youth of color and achieve measurable reform.

For the foregoing reasons, we urge the committee to pass Raised Bill No. 6634 along with the proposed amendments.

Respectfully submitted,



Mark Soler

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Center for Children's Law and Policy